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PATENTKONTOR

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

31.01.2005

Applicant's or agent's file reference
115592 ForF1/sko

IMPORTANT NOTIFICATION

International application No.
PCTNO 03/00357International filing date (day/month/year)
28.10.2003Priority date (day/month/year)
31.10.2002Applicant
FORSVARETS FORSKNINGSINSTITUTT et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 115592 ForF1/sko	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NO 03/00357	International filing date (day/month/year) 28.10.2003	Priority date (day/month/year) 31.10.2002
International Patent Classification (IPC) or both national classification and IPC F41H1/04		
Applicant FORSVARETS FORSKNINGSINSTITUTT et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 12 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 26.05.2004	Date of completion of this report 31.01.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Bridge, S Telephone No. +49 89 2399-2837 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NO 03/00357**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6 received on 26.11.2004 with letter of 26.11.2004

Claims, Numbers

1-5 received on 26.11.2004 with letter of 26.11.2004

Drawings, Sheets

1/5-5/5 received on 26.11.2004 with letter of 26.11.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	1-5
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO 03/00357

I Basis of the report

Rule 70.2(c) PCT :

The International Preliminary Examining Authority considers that the amendments set out below go beyond the disclosure in the international application as filed.

This report is established as if such amendment had not been made.

The amendments filed with the letter dated 26/11/2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

The amendments concerned are the following: removal of the term "concentrically" from claim 1 (and corresponding description page 3 line 16, and page 3 last paragraph) which originally stated that "the two elements - chin guard (3) and visor (2) - are individually pivotably connected concentrically about a point (D) on each side of the head-protecting part".

There does not appear to be a basis for distinct pivot points for the two elements - chin guard (3) and visor - in the international application as filed.

V Statement concerning novelty, inventive step & industrial applicability

- 1 Document D1 = US-B-6 237 161 (see especially column 2 line 19 - column 4 line 16, figures) discloses a helmet consisting of
- an outer helmet with a head-protecting part (1) which essentially covers the side, top and back of the head,
 - a chin guard (3) in front of the lower part of the face and
 - a transparent visor (2) which covers the field of vision of the person using the helmet, together with
 - an inner helmet which is connected to the outer helmet, which inner helmet abuts against the user's head,
- such that
- the two elements - chin guard (3) and visor (2) - are individually pivotably connected concentrically about a point (11) on each side of the head-protecting part,
 - with the result that the visor (2) moves **outside** of the head-protecting part (1) of

- the helmet and the chin-protecting part (3) of the helmet apparently moves on the same level as the visor (2).
- 2 Document D2 = US-A-5 283 914 (see especially column 2 lines 66 to column 5 line 26, figures) discloses a helmet consisting of
- an outer helmet with a head-protecting part (1) which essentially covers the side, top and back of the head,
 - no chin guard in front of the lower part of the face and
 - a transparent visor (30) which covers the field of vision of the person using the helmet, together with
 - an inner helmet (12) which is connected to the outer helmet, which inner helmet abuts against the user's head,
- such that
- the visor (30) is **slidably and** pivotably connected on supports (38) on each side of the head-protecting part,
 - with the result that the visor (2) moves within the inside of a front cover (9) of the head-protecting part (1) of the helmet.
- 3 Document D3 = WO-A-00 60970 (see especially page 3 line 87 to page 6 line 180, figures) discloses a helmet consisting of
- an outer helmet with a head-protecting part (1) which essentially covers the side, top and back of the head,
 - no chin guard in front of the lower part of the face and
 - a transparent visor (3) which covers the field of vision of the person using the helmet, together with
 - an inner helmet which is connected to the outer helmet, which inner helmet abuts against the user's head,
- such that
- the visor (3) is individually pivotably connected about a point (O) on each side of the head-protecting part,
 - with the result that the visor (3) moves within the inside of the head-protecting part (1) of the helmet.
- 4 Document D4 = US-B-6 282 726 (see especially column 2 line 40 to column to column 5 line 22, figures) discloses a helmet consisting of
- an outer helmet with a head-protecting part (1) which essentially covers the side, top and back of the head,
 - no chin guard in front of the lower part of the face and

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- two transparent visors (11, 12) which covers the field of vision of the person using the helmet, together with
 - an inner helmet (30) which is connected to the outer helmet, which inner helmet abuts against the user's head,
- such that
- the two visors (11, 12) are individually pivotably connected **non-concentrically** about **respective points** (13, 14) on each side of the head-protecting part,
 - with the result that the visor (13) moves within the inside of the head-protecting part (1) of the helmet and
 - the visor (12) of the helmet moves within the visor (11).
- 5 Document D5 = US-A-5 113 535 (see especially column 1 line 60 to column 4 line 30, figures) discloses a helmet consisting of
- an outer helmet with a head-protecting part (12) which essentially covers the side, top and back of the head,
 - **no** chin guard in front of the lower part of the face and
 - two transparent visors (14, 16) which covers the field of vision of the person using the helmet, together with
 - an inner helmet which is connected to the outer helmet, which inner helmet abuts against the user's head,
- such that
- the two elements visors (14, 16) are individually pivotably connected concentrically about a point (22, 26) on each side of the head-protecting part,
 - with the result that the visor (14) moves **outside** of the head-protecting part (12) of the helmet and the visor (16) of the helmet moves **outside** the visor (14).
- 6 The subject matter of independent claim 1 satisfies the criteria set forth in Articles 33(2)-33(4) PCT because none of the available prior art discloses or suggests that the chin-protecting part of the helmet moves within the visor when the visor itself moves within the inside of the head-protecting part.
- 7 The dependent claims 2-5 concern further technical details of the invention and are carried by the inventive idea of the independent claims. Therefore, the dependent claims also satisfy the criteria set forth in Articles 33(2)-33(4) PCT.